

**Iowa Department of Natural Resources
Natural Resource Commission**

ITEM

9

DECISION

TOPIC Boundary Agreement –Dickinson County

The Commission is requested to approve the boundary between dedicated property held in trust by the Commission and the adjacent property owner, pursuant to its authority in Iowa code section 461A.24. The area in question is at the East Okoboji Narrows Access in Dickinson County, located on the west side of east Okoboji Lake directly opposite across the lake from Elinor Bedell State Park. Maps identifying the proposed boundary agreement are attached.

At the time the East Okoboji Narrows was platted, the owner dedicated an area, known as Miriam Park, as a public area. In 1946, the state of Iowa, through the Department's predecessor agency, acquired title to two subdivision lots, 141 and 143, located adjacent to Miriam Park, intending to utilize the public area to access the lake for its operations. The Department never developed these lots.

In 1947, the original owner conveyed Miriam Park by quit claim deed to another owner of subdivision lots located adjacent to the park. At that time, the owner had located a boathouse at Miriam Park through a lease arrangement and charged the public a fee for use of the boathouse and park. DNR records document those uses continuing through 1963. County tax assessor's records indicate that in 1972, a steel storage building was constructed and three house trailers were located in the park. The steel building and the unoccupied house trailers exist today; only the foundation of the boathouse building is still present.

In 1962, the Conservation Commission surveyed the Ordinary High Water Line of East Okoboji Lake, which was certified in 1965 and recorded in 1972. This plat of survey located most of Miriam Park to the east of the ordinary high water line, making it within the bed of the lake and, therefore, sovereign. This survey line varies from the physical shore line as it exists today and as it seems to have existed in the past as evidenced through aerial photographs in DNR records dated 1939, 1968, 1990 and 2002.

The current owner of Lots 133, 135, 137, and 139, adjacent to Miriam Park, and holder of the quit claim deed to Miriam Park is interested in settling the questions concerning Miriam Park and the location of the adjacent Ordinary High Water Line. The Department requests that Commission adopt the boundary settlement as identified in the attachment and allow the Department to enter into a boundary agreement describing such.

Ken Herring, Administrator
Conservation and Recreation Division
October 11, 2007

Attachments: Maps (3)